IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

WP(C).No. 12276 of 2007(J)

PETITIONER:

V.X.ALBIN, VALLIYATHARA HOUSE,
CHINNAKANAL KARA, CHINNAKANAL VILLAGE.

BY ADV. SRI.K.GOPALAKRISHNA KURUP
SRI. SADER E REAZ

RESPONDENTS:
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1. VALLIAMMAL,
KARUPPAN COLONY KARA,SURIANELLY P.O.,
CHINNAKANAL VILLAGE, UDUMBANCHOLA TALUK.

2. A.MONY,
SURIANELLY KARA, CHINNAKANAL VILLAGE,
UDUMBANCHOLA TALUK.

3. SUBHAIAH PILLAI,
LOWER SURIANELLY, CHINNAKANAL VILLAGE,
UDUMBANCHOLA TALUK.

BY ADV. SRI.V.C.JAMES --- R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 12276/2007 J

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ELECTION PETITION 12/05 OF THE MUNSIFF COURT DEVIKULAMD T. 26/10/2005.

EXT.P2. COPY OF THE APPLICATION IN IA NO. 1831/2006 AND THE AFFIDAVIT OF THE MUNSIFFCOURT, DEVIKULAM DT. 5/12/2006.

EXT.P3. COPY OF THE WITNESS LIST FILED BY THE R1.

EXT.P4. COPY OF THE OBJECTION FILED BY THE PETITIONER IN IA NO. 1831/2006 OF THE MUNSIFF COURT, DEVIKULAM.

EXT.P5. COPY OF THE ORDER IN IA NO. 1831/2006 IN E.O.P. NO. 12/2005 OF THE MUNSIFF COURT, DEVIKULAM.

EXT.P6. COPY OF THE PETITIONFILED BY THE R1 ALONG WITH THE AFFIDAVIT DT. 4/4/07 OF THE MUNSIFF COURT, DEVIKULAM.

EXT.P7. COPY OF THE LIST OF DOCUMENTS SUBMITTED BY THE R1.

RESPONDENT'S EXHIBITS

EXT.R1A. COPY OF THE PETITION DT. 27/09/2005 FILED BY THE R1 BEFORE THE RETURNING OFFICER.

True copy

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M.N. KRISHNAN, J.

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W.P.C. NO. 12276 OF 2007

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Dated this the 14th day of December, 2007.

J U D G M E N T

This writ petition is filed seeking to set aside Ext.P5 order passed in I.A.1831/06 in E.P.12/05 of the Munsiff Court, Devikulam. The order reads as " Issue and hand over". It is seen that a petition has been filed by the other side regarding the maintainability and summoning of the documents. The learned Munsiff has not adverted to those points at all. Therefore, the order under challenge is set aside and he is directed to reconsider I.A.1831/06 including the question of maintainability of that petition and other aspects after hearing learned counsel for both sides. Being an election matter it may be done within a period of one month from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

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